

REMARKS

By way of summary, Claims 1-23 and 25-27 were pending in this application, with Claim 1 being independent. The Office Action dated November 8, 2011, rejected Claims 1-23 and 25-27. By this Amendment, Applicant has amended Claim 1 without prejudice or disclaimer. Applicant respectfully reserves the right to pursue claims with the original or previously pending subject matter in continuing applications. New Claims 28 and 29 are presented herein. Accordingly, Claims 1-23 and 25-29 are currently pending in the application.

Support for the above amendments and new claims may be found at least at Paragraph [0006], [0011]-[0013], [0018], [0024] and [0042] and Figure 2 of the Specification.

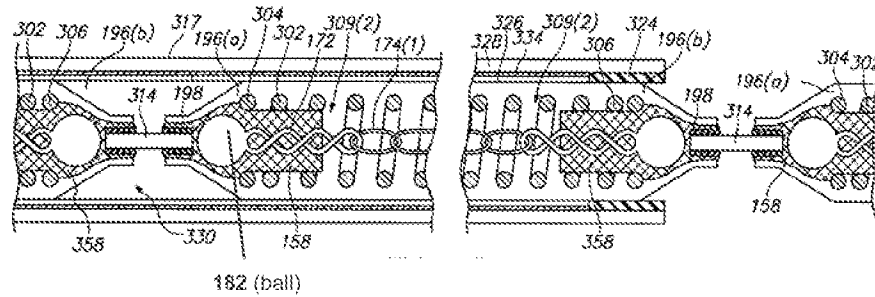
Rejections under §102

Claims 1-18, 21-23, and 25-27 were rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Aganon et al. (US 7,166,122), hereinafter “Aganon.”

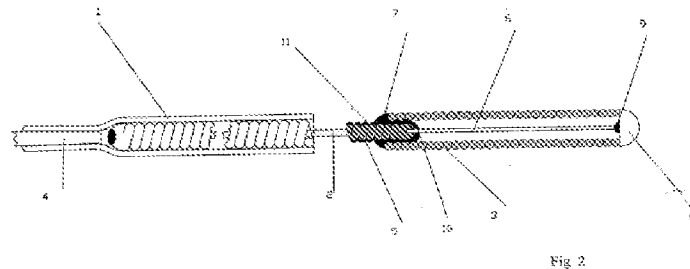
Independent Amended Claim 1

Applicant has amended independent Claim 1 and submits that Aganon fails to teach or suggest “a helical distal portion of the at least one stabilization helix axially overlaps at least a portion of the at least one occlusion helix, and a helical proximal portion of the at least one stabilization helix does not axially overlap the at least one occlusion helix” as now recited in amended Claim 1. Accordingly, it is submitted that amended Claim 1 is patentable in view of Aganon.

In the Office Action, it is alleged that proximal link **172** of Aganon equates to the stabilization helix as presented in Claim 1. Further, the Office Action alleges that proximal link **172** has a distal portion that overlaps a portion of the at least one occlusion helix and a proximal portion that does not axially overlap the at least one occlusion helix. However, examination of Aganon reveals that proximal link **172** resides completely within the occlusion helix, and there is no portion that resides outside the occlusion helix (primary coils **302**) as shown in Figure 7B below:



In fact, only ball **182**, not proximal link **172**, resides outside of the occlusion helix, as shown above. Thus, Applicant submits that Claim 1, as previously presented, is sufficiently differentiated from Aganon. Nonetheless, in an effort to move prosecution forward, Applicants have amended Claim 1 to emphasize that a helical distal portion of the stabilization helix resides within the occlusion helix and a helical proximal portion of the stabilization helix resides outside of the occlusion helix, as exemplified in Figure 2, reproduced below:



Aganon clearly fails to disclose a helical proximal portion of the at least one stabilization helix that does not axially overlap the at least one occlusion helix as particularly recited in Claim 1. Claim 1 and claims dependent therefrom, either directly or indirectly, are therefore patentable over Aganon. Withdrawal of this rejection is respectfully requested.

Dependent Claims 2-18, 21-23, and 25-27

Claims 2-18, 21-23, and 25-27 depend from amended independent Claim 1. Applicant respectfully submits that these claims are in condition for allowance for at least the same reasons set forth above with respect to independent Claim 1, in addition to patentable subject matter recited in each of the dependent claims. Therefore, Applicant respectfully requests that these claims be allowed in the next communication.

Rejections under §103

Dependent Claims 19 and 20

Claims 19 and 20 were rejected under 35 USC § 103(a) as allegedly being obvious over Aganon as applied to Claim 1 above, and further in view of Monstadt et al. (US 7,323,000), hereinafter “Monstadt.”

Claims 19 and 20 depend from amended independent Claim 1. Applicant respectfully submits that the combination with Monstadt fails to remedy the inadequate teachings of Aganon, and that these claims are in condition for allowance for at least the same reasons set forth above with respect to independent Claim 1, in addition to patentable subject matter recited in each of the dependent claims. Therefore, Applicant respectfully requests that these claims be allowed in the next communication.

New Claims

Newly added dependent Claims 28 and 29 depend from independent Claim 1. Applicant respectfully submits that these claims are in condition for allowance for at least the same reasons set forth above with respect to independent Claim 1, in addition to patentable subject matter recited in each of the dependent claims. Therefore, Applicant respectfully requests that these claims be allowed in the next communication.

CONCLUSION

In view of the foregoing comments, it is respectfully submitted that the present application is fully in condition for allowance, and that such action is earnestly solicited. If any questions remain, however, the Examiner is cordially invited to contact the undersigned attorney so that any such matters may be promptly resolved.

Applicant respectfully submits that the claims are in condition for allowance and has made a good faith effort to respond to the outstanding Office Action. Nevertheless, if any undeveloped issues remain or if any issues require clarification, the Examiner is cordially invited to contact Applicant's attorney, at the telephone number below, to resolve any such issues promptly.

Any remarks in support of patentability of one claim should not necessarily be imputed to any other claim, even if similar terminology is used. Any remarks referring to only a portion of a claim should not necessarily be understood to base patentability on solely that portion; rather, patentability must rest on each claim taken as a whole. Applicant respectfully reserves the right to traverse any of the Examiner's rejections or assertions, even if not discussed herein. Applicant respectfully reserves the right to challenge later whether any of the cited references are prior art. Although changes to the claims have been made, no acquiescence or estoppel is implied thereby; such amendments are made only to expedite prosecution of the present application and are without prejudice to the presentation or assertion, in the future, of claims relating to the same or similar subject matter.

Application No.: 10/597,299

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Respectfully submitted,

McDERMOTT WILL & EMERY LLP

/James W. Hill, MD/

James W. Hill, MD

Registration No. 46,396

18191 Von Karman Ave., Suite 500

Irvine, CA 92612-7108

Phone: 949.851.0633

Facsimile: 949.851.9348

Date: January 9, 2012

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